

REMARKS

This Amendment is in response to the Final Office Action mailed 06/02/2006. Applicant has filed a Request for Continued Examination to have the Office withdraw the finality of the Office Action and have this submission entered and considered. In the Office Action, the Examiner rejected claims 47-69 under 35 U.S.C. § 112 and rejected claims 47-69 under 35 U.S.C. § 102. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

5. The Examiner rejects claims 47-69 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner consider the element "non-VPN", particularly how non-VPN management commands are sent over a VPN, unclear. Applicant has amended the claims to remove the references to non-VPN management commands. The claims as amended refer only to non-VPN data links as disclosed in the specification as filed on page 10, lines 19-22.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 47-69 under 35 U.S.C. § 112, first paragraph.

6. The Examiner rejects claims 47-69 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner consider the distinction between VPN and non-VPN management commands to be unclear. Applicant has amended the claims to remove the references to non-VPN management commands.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 47-69 under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102

8. The Examiner rejects claims 47-69 under 35 U.S.C. § 102(e) as being anticipated by Arrow et al. (6,175,917).

9. Per claims 47, 52, 56, 61 and 66, the Examiner asserts that Arrow discloses all the elements of the invention as claimed. Applicant has amended the claims to provide that the network device transfers data between core data links and customer data links, which include Virtual Private Network (VPN) data links and non-VPN data links, as disclosed in the specification as filed on page 10, lines 19-22. Applicant has further amended the claims to provide that a management VPN module coupled to the routing and forwarding module, to one of the VPN data links, and to the management port, the management VPN module to transfer management traffic between the management VPN module and the one of the VPN data links. Applicant respectfully submits that Arrow does not disclose a management VPN module as claimed. While Arrow shows routers 114, 134 that support a VPN management station 160,

Arrow is silent on the configuration of the routers and the connection to the VPN management station. Applicant respectfully submits that Arrow does not teach each and every element of the claims as amended.

10. Per claims 48, 57 and 62, the Examiner asserts that Arrow discloses the network device includes a routing and forwarding module. Applicant has amended the claim to provide that management commands are transferred between the dedicated VPN data link and a router configuration management module through a management port of the router configuration management module. Applicant respectfully submits that Arrow does not teach each and every element of the claims as amended.

11. Per claims 49, 53, 58, 63 and 67, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

12. Per claims 50,54,59,64 and 68, the Examiner asserts that

Arrow discloses the network device can perform Internet Protocol services (Column 6, lines 50-55)

13. Per claims 51, 55, 60, 65 and 69, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: 10/02/2006

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